

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**JOHN NUNEZ**

**Plaintiff**

**-against-**

**MANHATTAN PARKING SYSTEMS, INC.,  
MANHATTAN PARKING GROUP, LLC and  
MIDTOWN PARKING CORP.**

**Defendants**  
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:  
: CIVIL ACTION  
: 07 Civ. 4629 (JGK)

:  
: **NOTICE OF MOTION**  
: **TO DISMISS**

PLEASE TAKE NOTICE that upon the annexed affidavit of Lawrence Lipman sworn to on the 23rd day of July, 2007, and the Memorandum of Law filed herein, and all prior papers and proceedings, the undersigned will move this Court before the Honorable John G. Koeltl at 500 Pearl Street, New York, New York, at a date and time to be set by the Court for an order:

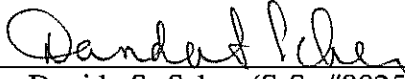
1. Dismissing counts two and three of the Complaint for failure to state a cause of action;
2. Dismissing that part of count one of the Complaint which seeks to extend the Statute of Limitations under the Fair Labor Standards Act, 29 U.S.C. Section 255(a).

PLEASE TAKE FURTHER NOTICE that, pursuant to F.R.C.P. 6(d) and Local Rule 6.1, answering papers, if any, must be received at least ten business days before the return date, a date and time to be set by the Court, as the moving party intends to file and serve reply papers. Such reply papers shall be served at least three business days prior to return date.

Dated: New York, New York

July 26, 2007

MEIER FRANZINO & SCHER, LLP.

By:   
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